

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MATTHEW P. COOK,

Plaintiff,

V.

MERCHANTS' CREDIT GUIDE, CO.,

Defendant.

Case No.:

NOTICE OF REMOVAL

To: Judges of the United States District Court for the Northern District of Illinois

Defendant, Merchants' Credit Guide, Co., by and through its attorneys David M. Schultz and Ruddy S-A. Abam, and for its Notice of Removal pursuant to 28 U.S.C. §1441(a) and 1446, and in support thereof, state as follows:

1. On or about May 5, 2021, Plaintiff Matthew P. Cook, filed a complaint against Merchants' Credit Guide, Co. in the Circuit Court of Cook County, Illinois, Civil Division. A copy of the complaint is attached hereto and incorporated herein by reference as Exhibit A.

2. Defendant has been served with the summons and complaint.

3. Copies of the above mentioned summons and complaint constitute true and correct copies of all process, pleadings and orders.

4. The complaint asserts a federal cause of action against Merchants' Credit Guide, Co. for purported violations of the Fair Debt Collection Practices Act and the Telephone Consumer Protection Act of 1991.

5. This Notice was filed with the Clerk of the United States District Court within thirty (30) days after service of the complaint upon the Defendant. 28 U.S.C. §1446(b).

6. 28 U.S.C. §1441(b) provides as follows:

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the state in which such action is brought.

7. The United States District Court for the Northern District of Illinois has jurisdiction over the plaintiff's claim due to the fact that the allegations against Merchants' Credit Guide, Co. contained in his complaint arise under the Constitution, laws or treaties of the United States. 28 U.S.C. §1331.

8. In the complaint, plaintiff alleges that Merchants' Credit Guide, Co. was acting as a debt collector in attempting to collect a debt from plaintiff.

9. Plaintiff claims Merchants' Credit Guide, Co. violated the FDCPA and TCPA and seeks recovery of statutory damages under the FDCPA and the TCPA.

10. The plaintiff's complaint invokes federal question jurisdiction because the allegations involve claims under the FDCPA, 15 U.S.C. §1692 *et. seq.* and the TCPA, 47 U.S.C. § 227 *et. seq.*

WHEREFORE, the Defendant, Merchants' Credit Guide, Co., respectfully requests that this case proceed in this court as an action properly removed to it.

Respectfully submitted,

MERCHANTS' CREDIT GUIDE, CO.,
Defendant

/s/ Ruddy S-A. Abam

David M. Schultz

Ruddy S-A. Abam

Hinshaw & Culbertson LLP

151 North Franklin Street, Suite 2500

Chicago, IL 60606

Tel: 312-704-3000

E-mail: dschultz@hinshawlaw.com

E-mail: RAbam@hinshawlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2021, I electronically filed the foregoing Notice of Removal with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day and was served upon all counsel of record via the Court's CM/ECF system.

Attorney for Plaintiff:

Adam M. Altman

Adam M. Altman, Ltd..

1000 S. Clark Street, No. 1707

Chicago, IL 60605

(773) 426-6373

Adam.altman@amalawltd.com

/s/ Tammy Burtrand _____

Exhibit A



**Service of Process
Transmittal**

05/14/2021

CT Log Number 539557375

TO: Lori Barry Sass
Merchants Credit Guide Company
209 S LA SALLE ST STE 900
CHICAGO, IL 60604-1443

RE: Process Served in Illinois

FOR: MERCHANTS CREDIT GUIDE COMPANY (Domestic State: IL)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Matthew P. Cook, Pltf. vs. Merchants' Credit Guide Co, Dft.

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # 20211109514

ON WHOM PROCESS WAS SERVED: National Registered Agents, Inc., Chicago, IL

DATE AND HOUR OF SERVICE: By Process Server on 05/14/2021 at 03:08

JURISDICTION SERVED : Illinois

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780118208531
Image SOP
Email Notification, Lori Barry Sass lbarry@collectmcg.com
Email Notification, Dan Burtis dburtis@collectmcg.com

REGISTERED AGENT ADDRESS: National Registered Agents, Inc.
208 South LaSalle Street
Suite 814
Chicago, IL 60606
866-539-8692
CorporationTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

PROCESS SERVER DELIVERY DETAILS

Date: Fri, May 14, 2021

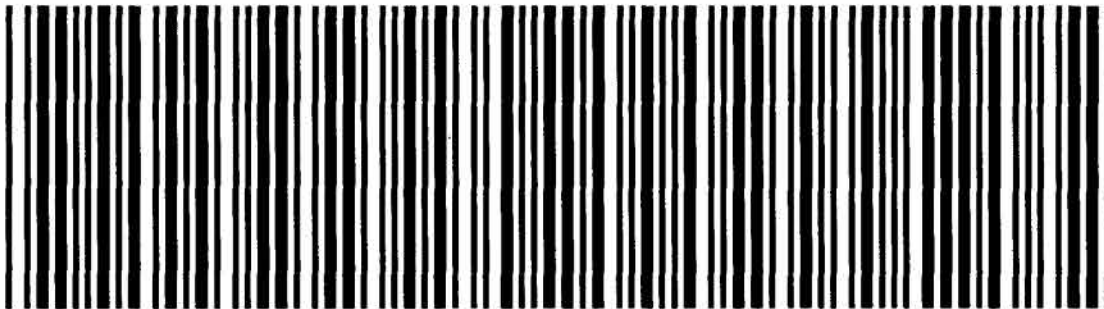
Server Name: Sheriff Drop

Entity Served MERCHANTS CREDIT GUIDE COMPANY

Agent Name 08019886

Case Number 20211109514

Jurisdiction IL



6-Person Jury

Hearing Date: 6/2/2021 12:00 AM - 12:00 AM

Courtroom Number: N/A

Location: District 1 Court
Cook County, IL**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CIVIL DIVISION**

FILED

5/5/2021 4:12 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
20211109514

13216381

MATTHEW P. COOK

Plaintiff,

vs.

MERCHANTS' CREDIT GUIDE CO.

Defendant.

Case No.

PLAINTIFF DEMANDS TRIAL BY JURY**PETITION FOR DAMAGES**

Plaintiff, MATTHEW P. COOK, by and through his attorney, Adam M. Altman, Ltd. complains of Defendant, MERCHANTS' CREDIT GUIDE CO. as follows:

INTRODUCTION AND JURISDICTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 *et. seq.* ("FDCPA") and the Telephone Consumer Protection Act of 1991 ("TCPA"), 47 U.S.C. § 227 *et. seq.*
2. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. § 1692k(d) and of the TCPA claim under 47 U.S.C. § 227(b)(3)(B).
3. Venue is appropriate in this Court because Defendant, Merchants' Credit Guide Co. ("MCG") is domiciled in Cook County, Illinois.
4. Plaintiff demands a trial by jury on all issues so triable.

PARTIES

5. Plaintiff is a natural person currently residing in St. Charles County, Missouri. Plaintiff is a consumer within the meaning of the TCPA and FDCPA. The alleged debt owed arises out of consumer, family, and household transactions.

6. MCG is a corporation with its principal place of business in Chicago, Illinois. MCG's primary business purpose is the collection of debts.

7. MCG is engaged in the collection of debts from consumers, by using the mail and telephone in several states, including Missouri. MCG is a "debt collector" as defined by the FDCPA. 15 U.S.C. § 1692a(6).

8. MCG owned, operated, and controlled "customer premises equipment" as defined by TCPA, 47 U.S.C. § 153(14), that originated, routed, and terminated telecommunications.

9. MCG engaged in "telecommunications" as defined by TCPA, 47 U.S.C. § 153(43) and at all times relevant, used, controlled, and operated "automatic telephone dialing systems," as defined by the TCPA, 47 U.S.C. § 227(a)(1) and 47 C.F.R. 64.1200(f)(1).

FACTS

10. The alleged debt stems from Plaintiff's use of medical services. MCG's file number for Plaintiff was 08-203640774.

11. MCG called Plaintiff's mobile telephone at 314-200-5536 in December 2020, and in January 2021, in an attempt to collect on this alleged debt.

12. When Plaintiff did not answer the phone, MCG left Plaintiff voicemails from an automated dialer.

13. The automated voicemails identified the caller as MCG, and instructed Plaintiff to call MCG back to resolve his medical debt. The voicemails did not disclose that Plaintiff could opt out of these calls.

12. MCG placed its non-emergency phone calls for Plaintiff from an automatic telephone dialing system, as defined by 47 U.S.C. § 227(a)(1), and from phone numbers that are registered to MCG.

13. Specifically, MCG's dialing system has the capacity to store, dial, and generate phone numbers, including Plaintiff's.

14. Upon information and belief, Plaintiff never entered into any agreement whereby he provided express consent for MCG to use its automatic telephone dialing system to place calls to Plaintiff's cellular phone.

15. Upon information and belief, Plaintiff never had any preexisting or current business relationship with MCG.

16. The voicemails conveyed information about the alleged debt.

17. The voicemails conveyed that Plaintiff owed an alleged debt.

18. The voicemail conveyed that Plaintiff owed an alleged debt to MCG.

19. MCG's voicemails were communications to Plaintiff, under the FDCPA, in MCG's attempt to collect on the alleged debt owed by Plaintiff.

20. Certain third-parties that heard the voicemails were able to divine that Plaintiff owed an alleged debt.

21. The third-parties that heard the voicemails were able to divine who the collection agency was that called.

22. The third-parties that heard the voicemails were able to divine that voicemails were communications to Plaintiff, in an attempt collect on an alleged debt.

23. MCG placed telephone calls and voicemails without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6).

24. MCG's voicemails were heard by, and disclosed to, third-parties, in violation of 15 U.S.C. § 1692c(b).

25. Plaintiff sent MCG a cease-and-desist letter on January 11, 2021. The letter instructed MCG to stop calling Plaintiff.

26. Despite Plaintiff's letter, MCG continued to use its automated dialer to call Plaintiff, and to leave him voicemails, on January 11, 18, and 21, of 2021. The phone number that MCG used to call

Plaintiff was 636-205-2355.

27. MCG's repeated calls to Plaintiff were intended to harass, annoy, or abuse Plaintiff, in violation of 15 U.S.C. § 1692d(5).

28. MCG's repeated calls to Plaintiff, after Defendant received the written request to stop calling, were in violation of 15 U.S.C. § 1692c(c).

29. MCG's collection attempts have caused Plaintiff to incur actual damages, attorney fees, as well as emotional distress.

COUNT I: VIOLATION OF THE FDCPA

30. Plaintiff re-alleges and incorporates by reference the above paragraphs.

31. MCG regularly attempts to collect consumer debts, asserted to be due to another party, and at all relevant times herein, was a "debt collector" as defined by 15 U.S.C. § 1692a(6).

32. A single action on the part of a debt collector can violate multiple sections of the FDCPA.

33. In its attempts to collect the alleged debt from Plaintiff, MCG has committed violations of the FDCPA, 15 U.S.C § 1692 *et. seq.* including, but not limited to the following:

- a. Communicated with third-parties about the alleged debt, in violation of 15 U.S.C. § 1692c(b);
- b. Placed telephone calls and voicemails without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6);
- c. Called Plaintiff after receiving the written request to stop calling, in violation of 15 U.S.C. § 1692c(c);
- d. Caused Plaintiff's phone to ring with the intent to harass, annoy, or abuse Plaintiff, in violation of 15 U.S.C. § 1692d(5).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Actual damages;

- B. Release of the alleged debt;
- C. Statutory damages, costs, and attorney's fees pursuant to 15 USC § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

COUNT II: VIOLATION OF THE TCPA

34. Plaintiff re-alleges and incorporates by reference the above paragraphs.

35. In MCG's attempt to collect the alleged debt from Plaintiff, MCG has committed violations of the TCPA, 47 U.S.C. § 227 *et. seq.* including, but not limited to, the following:

a. Placing non-emergency phone calls to Plaintiff's cellular telephone without express authorized consent of the Plaintiff. 47 U.S.C. § 227(b)(1)(A)(iii).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Actual damages;
- B. Release of the alleged debt;
- C. Statutory damages, costs, and attorney's fees pursuant to 47 U.S.C. §227(b)(1)(A)(iii); and
- D. For such other relief as the Court may deem just and proper.

By: /s/ Adam M. Altman
Attorney for Plaintiff

Adam M. Altman, Ltd.
Cook Co. Atty. Code 60567
1000 S. Clark St., No. 1707
Chicago, Illinois 60605
(773) 426-6373
adam.altman@amalawltd.com

FILED
5/5/2021 4:12 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
- COOK COUNTY, IL
20211109514

13216381

Case No.

Adam Altman
Adam M. Altman, Ltd.
1000 S. Clark St., #1707
Chicago, IL 60605
Cook Co. Atty. Code 60567
(773) 426-6373
adam.altman@amalawltd.com

Courtroom Number: 1501
Location: District 1 Court
Cook County, IL

FILED
5/13/2021 9:51 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
20211109514

13311617

2120 - Served	2121 - Served	2620 - Sec. of State
2220 - Not Served	2221 - Not Served	2621 - Alias Sec of State
2320 - Served By Mail	2321 - Served By Mail	
2420 - Served By Publication	2421 - Served By Publication	
Summons - Alias Summons		(03/15/21) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Name all Parties

MATTHEW P. COOK

Plaintiff(s)

v.

MERCHANTS' CREDIT GUIDE CO.

Defendant(s)

Case No. 2021-M1-109514

Address of Defendant(s)

Please serve as follows (check one): ☒ Certified Mail ☐ Sheriff Service ☐ Alias

SUMMONS

To each Defendant:

You have been named a defendant in the complaint in this case, a copy of which is hereto attached. You are summoned and required to file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

THERE IS A FEE TO FILE YOUR APPEARANCE.

FILING AN APPEARANCE: Your appearance date is NOT a court date. It is the deadline for filing your appearance/answer. To file your appearance/answer **YOU DO NOT NEED TO COME TO THE COURTHOUSE, unless you are unable to eFile your appearance/answer.** You can download an Appearance form at <http://www.illinoiscourts.gov/Forms/approved/procedures/appearance.asp>. After completing and saving your Appearance form, you can electronically file (e-File) it with the circuit clerk's office.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

Summons - Alias Summons

(03/15/21) CCG 0001 B

E-FILING: E-filing is now mandatory with limited exemptions. To e-File, you must first create an account with an e-Filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-Filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit www.illinoislegalaid.org.

FEE WAIVER: If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to www.illinoislegalaid.org. You can also ask your local circuit clerk's office for a fee waiver application.

COURT DATE: Your court date will be sent to your e-File email account or the email address you provided to the clerk's office. You can also call or email the clerk's office to request your next court date. You will need to provide your case number OR, if unknown, the name of the Plaintiff or Defendant. For criminal case types, you will also need to provide the Defendant's birthdate.

REMOTE APPEARANCE: You may be able to attend this court date by phone or video conference. This is called a "Remote Appearance". Call the Circuit Clerk at (312) 603-5030 or visit their website at www.cookcountyclerkofcourt.org to find out how to do this.

Contact information for each of the Clerk's Office locations is included with this summons. The Clerk's office is open Mon - Fri, 8:30 am - 4:30 pm, except for court holidays.

To the officer: (Sheriff Service)

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than thirty (30) days after its date.

● Atty. No.: 60567

○ Pro Se 99500

Name: Adam M. Altman

Atty. for (if applicable):

Matthew P. Cook

Address: 1000 S. Clark St., #1707

City: Chicago

State: IL Zip: 60605

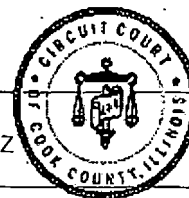
Telephone: (773) 426-6373

Primary Email: adam.altman@amalawltd.com

Witness date _____

5/13/2021 9:51 AM IRIS Y. MARTINEZ

Iris Y. Martinez, Clerk of Court



☐ Service by Certified Mail: _____

☒ Date of Service: May 14, 2021
(To be inserted by officer on copy left with employer or other person)

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

GET YOUR COURT DATE BY CALLING IN OR BY EMAIL

CALL OR SEND AN EMAIL MESSAGE to the telephone number or court date email address below for the appropriate division, district or department to request your next court date. Email your case number, or, if you do not have your case number, email the Plaintiff or Defendant's name for civil case types, or the Defendant's name and birthdate for a criminal case.

CHANCERY DIVISION

Court date EMAIL: ChanCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5133

CIVIL DIVISION

Court date EMAIL: CivCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5116

COUNTY DIVISION

Court date EMAIL: CntyCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5710

**DOMESTIC RELATIONS/CHILD SUPPORT
DIVISION**

Court date EMAIL: DRCourtDate@cookcountycourt.com
OR
ChildSupCourtDate@cookcountycourt.com
Gen. Info: (312) 603-6300

DOMESTIC VIOLENCE

Court date EMAIL: DVCourtDate@cookcountycourt.com
Gen. Info: (312) 325-9500

LAW DIVISION

Court date EMAIL: LawCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5426

PROBATE DIVISION

Court date EMAIL: ProbCourtDate@cookcountycourt.com
Gen. Info: (312) 603-6441

ALL SUBURBAN CASE TYPES

DISTRICT 2 - SKOKIE

Court date EMAIL: D2CourtDate@cookcountycourt.com
Gen. Info: (847) 470-7250

DISTRICT 3 - ROLLING MEADOWS

Court date EMAIL: D3CourtDate@cookcountycourt.com
Gen. Info: (847) 818-3000

DISTRICT 4 - MAYWOOD

Court date EMAIL: D4CourtDate@cookcountycourt.com
Gen. Info: (708) 865-6040

DISTRICT 5 - BRIDGEVIEW

Court date EMAIL: D5CourtDate@cookcountycourt.com
Gen. Info: (708) 974-6500

DISTRICT 6 - MARKHAM

Court date EMAIL: D6CourtDate@cookcountycourt.com
Gen. Info: (708) 232-4551